

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on September 17, 2004 (Date of Deposit)

09-17-04 Shelly

Date Name

PATENT

Attorney Docket No.: 3536 C02

RW Ref. No.: APM/002-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James Carducci, et al)
Application No.: 09/775,295) Examiner: George Goudreau
Filed: January 31, 2001) Group Art Unit: 1763
For: MAGNETIC BARRIER FOR PLASMA)
IN CHAMBER EXHAUST)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby request the Commissioner to withdraw the above-identified application from abandonment based upon failure to receive Office Action.

The Notice of Abandonment was mailed out by the USPTO on July 29, 2004 indicating that the subject application was abandoned based upon Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance, and that the issue fee and publication fee have not been received.

Petitioner has searched the subject file for the Notice of Allowance papers. Applicants conducted a search of their docket records which evidenced that the papers were not received. A copy of the docket record search results indicating where the papers would have been entered had they been received is enclosed herewith.

As the docket records are those of Applied Materials, Petitioner submits herewith the Declaration of Gaile Bailey, who is the patent docket clerk at Applied Materials, Inc., which Declarant maintains. The attached declaration furthermore provides direct testimony regarding the search of the files and records of Applied Materials, Inc., for the Patent Office correspondence (the Notice of Allowance and Issue Fee Due or anything similar) that was not received. Moreover, the attached declaration shows that all Patent Office correspondence received at the Applied Materials mailing address goes to the docket clerk, the Declarant Gaile Bailey, for entry into the Applied Materials docketing system.

The docket records authenticated by the attached declaration show that no Notice of Allowance and Issue Fee Due or any correspondence of that nature was received by Applied Materials, Inc. The attached declaration furthermore provides direct testimony regarding the search of all relevant files and docket records for the missing correspondence, the testimony showing that no such correspondence was in the files and was not received by Applied Materials, Inc.

Accordingly, it is respectfully requested that this petition be granted and a new Notice of Allowance/Issue Fee Due be issued. If there are any questions, the undersigned would greatly appreciate a telephone call at the telephone number below before any further action is taken.

Respectfully submitted,

Date: 9/16/04



Robert M. Wallace
Attorney for Applicants
Registration No. 29,119
Customer No. 000044843
Tel. No. 805/644-4035

Robert M. Wallace
Patent Counsel
2112 Eastman Avenue
Suite 102
Ventura, CA 93003